

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EVELYCE MUNGIA,

Plaintiff,

v.

CITY OF PHILADELPHIA *et al.*,

Defendants.

CIVIL ACTION
NO. 18-2634

ORDER

AND NOW, this 29th day of October, 2018, after consideration of Defendant's Motion to Dismiss, (ECF No. 14), and Plaintiff's Response, (ECF No. 16), it is hereby **ORDERED** that:

1. Count II for excessive force is **DISMISSED** without prejudice against Jackson and Nieves.
2. Count IV for municipal liability is **DISMISSED** without prejudice against Bensalem Township.
3. Count VI for theft is **DISMISSED** without prejudice against Jackson and Nieves.
4. Plaintiff may file a Second Amended Complaint, consistent with the attached Memorandum, on or before **November 13, 2018**.
5. Defendants Sweeney and City of Philadelphia must answer Plaintiff's Second Amended Complaint within the time prescribed by the Federal Rules of Civil Procedure.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.